

**REMARKS**

Claims 1-75 are pending in the application. Claims 1-75 stand rejected. Claims 12-14, 18-61, and 66-75 are hereby canceled. Claims 1-11, 15-17, and 62-65 remain pending in the application. Applicant requests consideration of the following remarks and allowance of the claims.

**Rejections Based Upon 35 U.S.C. § 112**

Claims 12-14, 26, 37-38, 41, 43-44, 46-61, and 75 stand rejected under 35 U.S.C. § 112 as failing to particularly point out and distinctly claiming the invention. Namely, the rejected claims lacked antecedent basis. As noted above, claims 12-14, 26, 37-38, 41, 43-44, 46-61, and 75 have been canceled.

**Rejections Based Upon 35 U.S.C. § 102(e)**

Remaining claims 1-11, 15-17, and 62-65 stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,385,203 (McHale). Applicant respectfully disagrees for at least the following reasons.

Independent claim 1 requires a transceiver configured to communicate via a network protocol and a premises device configured to communicate via a premises protocol. Claim 1 further requires an access device configured to communicate with the transceiver and the premises device using a plurality of access technologies to receive a communication, to dynamically determine an access technology type for the communication from among the plurality of access technologies, to reformat the communication for another access technology type, and to transmit the communication. Mchale discloses a transceiver and a premises device, but fails to disclose an access device that reformats communications from one access technology type to another, as required by claim 1.

The recent Office Action characterizes Mchale as disclosing a transceiver (modem 108, FIG. 3), a premises device (subscriber 12, FIG. 1), and an access device (communication server 58 of FIG. 2; col. 8, lines 33-65). Communication server 58 determines whether or not subscriber 12 should be connected to an XDSL modem, such as modem 108 (Mchale, col. 6, lines 26-29). If so, an XDSL connection is established

between subscriber 12 and modem 108. However, the access technology type on the subscriber side of communication server 58 -XDSL- is the same as on the modem side. In contrast, claim 1 requires the access device to receive communications with one access technology type to be reformatted for and transmitted with another access technology type, as required by claim 1.

Applicant notes that McHale suggests that other protocols could be implemented other than XDSL, such as Ethernet, ATM, or HDLC (McHale, col. 6, lines 36-56). However, McHale does not disclose, teach, or suggest that communication sever 58 could reformat communications from one protocol to another, as required by claim 1.

Independent claim 62 contains limitations similar to those of claim 1 and is therefore allowable over the art of record for at least the same reasons as claim 1. The remaining dependent claims, while separately allowable over the art of record, depend from otherwise allowable independent claims. Applicant therefore refrains from a discussion of the dependent claims for the sake of brevity.

**CONCLUSION**

The claims in their present form are allowable over the art of record. Applicant therefore respectfully requests allowance of the claims. Any fees in addition to those submitted may be charged to deposit account 21-0765.

Respectfully submitted,

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